IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6603 OF 2006

Satish Keshav Pisat ... Petitioner
versus
Laxman Shankar Pisat ... Respondent

R.S.Datar for petitioner.
P.S.Dani for respondent no.1.

CORAM : A.P.DESHPANDE, J.

DATE : 13th December 2006

PC :

1. The learned counsel for the respondent raises a preliminary objection to the maintainability of this petition by contending that under section 8 of the Partition Act of 1893, any order for sale made by the Court under sections 2, 3 or 4, shall be deemed to be a decree within the meaning of Section 2 of Code of Civil Procedure and if this be so, then the order impugned is appealable.

2. The objection raised is well merited. The writ petition is dismissed. However, it shall be open for the petitioner to file an appropriate appeal.

(A.P.DESHPANDE, J.)